

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID JOHNSON, JR.,	)	No. C 10-1958 JSW (PR)
	)	
Petitioner,	)	<b>ORDER OF TRANSFER</b>
	)	
vs.	)	
	)	
PLEASANT VALLEY STATE PRISON WARDEN,	)	
	)	
Respondent.	)	(Docket No. 4)

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This is a habeas case brought pro se by a state prisoner challenging the execution of his sentence. Petitioner does not indicate where he was sentenced or convicted, but he is incarcerated at Pleasant Valley State Prison in Coalinga, California, which is in the Eastern District of California.

Venue for habeas cases involving state prisoners is proper in either the district of confinement or the district of conviction. 28 U.S.C. 2241(d). The district of confinement is the preferable forum to review the execution of a sentence, however. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Because Petitioner challenges the execution of his sentence, rather than the validity of it, the Eastern District of California is the preferable forum for his petition.

Pursuant to 28 U.S.C. 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition is **TRANSFERRED** to the United States District Court for the Eastern District of California.

1 Ruling on Petitioner's motion to proceed in forma pauperis is deferred to the  
2 Eastern District following the transfer of this case. The clerk shall terminate docket  
3 number 4 from this Court's docket.

4 IT IS SO ORDERED.

5 DATED: November 16, 2010

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8 JEFFREY S. WHITE  
9 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DAVID JOHNSON JR,  
Plaintiff,

Case Number: CV10-01958 JSW

**CERTIFICATE OF SERVICE**

v.

PLEASANT VALLEY STATE  
PRISON WARDEN, et al,


Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 16, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Johnson  
P.O. Box 8502  
C37712  
Coalinga, CA 93210

Dated: November 16, 2010

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk